

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 8/13/12

MAGISTRATE JUDGE

COURT REPORTER: Dave Maxwell

Amos L. Mazzant

COURTROOM DEPUTY: Debbie McCord

STEVEN W. HABERMAN VS. PNC MORTGAGE, NATIONAL ASSOCIATION	4:11CV126
For Plaintiff: Sylvia Goldsmith, Geoff McCarrell, also Plaintiff and James Manchee	For Defendant: Latosha Payne, David Oliver, Jr.

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Bench Trial
9:04 am	Court calls case, noting appearance of counsel, above, then addressed pending motions in limine. The Court issued rulings.
9:11 am	Opening statements will be skipped.
9:12 am	Plaintiff is sworn in. Background of testimony provided by Plaintiff's counsel.
	Direct examination by Ms. Goldsmith.
9:26 am	Plaintiff Exhibit 1, objected to, will be offered at next witness testimony. Plaintiff Exhibit 2, objected to, will be offered at next witness testimony. Plaintiff Exhibit 3
10:32 am	Court in recess for break.
10:48 am	Court back in session. Direct continues.
11:04 am	Cross examination by Mr. Oliver.

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TIME:	MINUTES: Bench Trial
11:35 am	Redirect.
11:55 am	Court in recess for lunch, to return at 1:10 pm.
1:15 pm	Court back in session. Plaintiff witness: Evan Hendricks, sworn in. Direct by Ms. Goldsmith.
2:45 pm	Court in recess for break.
3:01 pm	Cross examination by Mr. Oliver.
3:32 pm	Redirect.
3:36 pm	Court in recess for 10 minutes.
3:53 pm	Court back in session. Next Plaintiff witness is Lynn Romanowski via video deposition.
5:00 pm	Court inquires of counsel regarding tomorrow's testimony.
5:01 pm	Court is in recess.
	Day 2 - August 14, 2012
9:04 am	Court in session.
9:10 am	Video of Lynn Romanowski continues.
	Counsel decided to read deposition.
10:09 am	Reading concluded. The Court noted that Plaintiff and Defendant's examination.
	Plaintiff Exhibits 1 - 4 are offered.
	The Court heard objections from Ms. Payne, response by Ms. Goldsmith, and reply by Ms. Payne.
10:30 am	The Court overruled the objections. Exhibits 1 - 4 are admitted.
10:32 am	Ms. Payne responded to the Court.
10:33 am	Court in recess for break.
10:59 am	Court back in session.
11:00 am	Plaintiff witness: Heather Haberman, sworn in. Direct by Ms. Goldsmith.
11:28 am	Cross by Ms. Payne.
11:30 am	Witness steps down. Plaintiff rests.
11:30 am	The Court heard from Ms Payne who made motion for judgment, response and reply from Plaintiff counsel.
12:13 pm	The Court denied Defendant's motion.

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TIME:	MINUTES: Bench Trial
12:15 pm	Court in recess for lunch.
1:33 pm	Court back in session.
1:33 pm	Defense witness, Charlie Englehart, sworn in. Direct by Mr. Oliver.
1:45 pm	Cross examination.
2:12 pm	Witness steps down. Defendant offers exhibit, affidavit of Romanowski. Objection presented, objection sustained.
	Both sides rest.
2:14 pm	Further Findings due Friday, the 17 th by 5pm.
2:16 pm	Closing by Plaintiff.
2:41 pm	Closing by Mr. Oliver for Defendant.
2:54 pm	Final word by Ms. Goldsmith for Plaintiff.
2:56 pm	The Court addressed the parties. Parties have until Friday at 5:00 pm for filing related briefing.
2:57 pm	Court is in recess.

DAVID J. MALAND, CLERK

BY: Debbie McCord
Courtroom Deputy Clerk